

SERVICE ANIMALS AT SAN JUAN COLLEGE

Definition of Service Animal

Under federal law, Service Animal means “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition. The work or tasks performed by a Service Animal must be directly related to the individual’s disability.” *See* 38 C.F.R. § 35.104. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The provision of emotional support, well-being, comfort, or companionship do not constitute work and do not qualify a dog as a Service Animal.

Under New Mexico state law, a qualified Service Dog or qualified Service Miniature Horse means “a dog or miniature horse that has been trained or is being trained to provide assistance or perform tasks for the benefit of an individual with a disability who has a physical or mental impairment that substantially limits one or more major life activities. Service Animals do not include emotional support animals, comfort animals or therapy animals.” *See* §28-11-2(b) and (c) NMSA (1978).

San Juan College Protocol

San Juan College is to meet the requirements of state and federal law regarding accommodations for Service Animals and it supports the use of Service Animals on campus. Service Dogs will not be excluded from San Juan College or San Juan College activities. San Juan College shall make all reasonable accommodations to individuals with disabilities unless such accommodation would fundamentally alter the nature of the services provided by the College. College protocol allows Service Animals everywhere on campus.

Obligations of Service Dog Owners

1. Under federal law, San Juan College will request a Service Dog owner to remove their dog:
 - a. If the Service Animal is out of control and the animal’s handler does not take effective action to control it; or

b. The animal is not housebroken (*see* 38 C.F.R. § 35.136(c)(2) and 38 C.F.R. § 36.03(c)(2)).

2. An animal under the handler's control must have a harness, leash, or other tether unless either the handler is unable because of a disability to use a harness, leash or tether; or the use of a harness, leash or other tether would interfere with the Service Animal's safe and effective performance of work or tasks, in which case, the Service Animal must be otherwise under the handler's control (*e.g.* voice control, signals, or other effective means). *See* 38 C.F.R. § 35.136(c)(4) and 38 C.F.R. § 36.302(c)(4).

3. State law and Farmington municipal ordinance may put other obligations on Service Dog owners. San Juan College does not enforce these requirements.

4. Presenting a dog as a qualified Service Animal when they, in fact, are not qualified is illegal. *See* § 28-11-16(A) NMSA (1978).

Obligations of San Juan College

1. San Juan College is not responsible for the care or supervision of a Service Animal.
2. San Juan College is not responsible for cleaning up after the Service Dog.
3. San Juan College is not required to accommodate a Service Animal if that accommodation poses a direct threat to health or safety of others. The determination of a direct threat will be made on an individual assessment and reasonable judgment. *See* 38 C.F.R. § 36.201(a) and (b).
4. If it is not obvious what service the animal provides, San Juan College will ask:
 - a. Is the dog a Service Animal required because of a disability; and
 - b. What work or task has the dog been trained to perform.

What San Juan College Will Not Do

1. Ask you for proof or certification of a Service Dog training;
2. Ask you for proof of licensure or vaccination for your Service Dog (although state law and municipal ordinance require this);
3. Ask you to prove or demonstrate your Service Dog's abilities or controllability;
4. Ask you to remove a qualified Service Dog unless it is out of control and you do not take action to control it or it is not housebroken (defecates or urinates inside College buildings).

*How You Can Help San Juan College Help You and Your Service
Animal
(Not Requirements, But Common Sense Requests)*

1. Contact the San Juan College Disability Service Office and let them know that you are bringing your Service Animal on campus. This lets the College advise your professors so we can properly accommodate you and your dog and other students as you participate in classes and College activities.
2. Let us know of requests or instructions you have relating to your Service Dog so we can educate others about avoiding interference with your Service Dog.
3. Let us know if you encounter problems, difficulties, or interference issues related to your Service Animal. We cannot solve a problem if we do not know about it.
4. If the use of your Service Animal does not meet your needs or if there are problems with your Service Dog's behavior, let us know so we can come up with another way to provide you necessary services related to your education and activities on campus.

If you have any questions or need more information about Service Animals at San Juan College, please contact the Disability Service Office, located in the Educational Services Building (Clock Tower Building), Room 4114 (in the Advising Office), or call (505) 566- 3271.

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